



United States Mission to the OSCE

Response to the Representative on Freedom of the Media, Freimut Duve

As delivered by Chargé d'Affaires Douglas A. Davidson
to the Permanent Council, Vienna
March 13, 2003

Thank you, Mr. Chairman.

I know the potential for war in Iraq weighs heavily on the minds of everyone here. It is appropriate that we discuss difficult questions such as the protection of journalists in times of armed conflict.

Mr. Chairman, we agree with Mr. Duve that there are tradeoffs concerning "embedding" or integrating journalists within armed forces. However, we are taking care to preserve the lives of journalists and to facilitate their reporting of the facts.

More than 500 journalists, 20 percent of whom will be from Arab, Asian and European media outlets, will accompany U.S. military units to cover various aspects of any conflict in Iraq, should one arise. They will be given the opportunity to travel with military units, to maneuver with them, and they will fall under their protection.

Turning to the issue of the USA Patriot Act, let me say as Mr. Duve positively notes, indeed the public debate in the U.S. related to balancing national security concerns with civil liberties continues. But I should at this point like to take this opportunity to correct his characterization of this act in both his written and oral statements. The act did not, simply as he states, allow FBI Agents to demand anything.

As I pointed out in January, this law gives authorized officials access to specific information only under the condition that the people to whom the records related were the subject of investigation into international terrorism or clandestine intelligence. This legislation has a very narrow focus and can be implemented in specific and narrow cases after judicial review. Even government access to public business records is limited unless the proper authorities can show that the subject under investigation is the subject of an authorized investigation into international terrorism or clandestine intelligence activities.

I would like to reiterate to Mr. Duve that nothing in the ordinance, or the way in which it is enforced, would allow the government to limit access to materials protected under the First Amendment, nor would an investigation be authorized solely upon the basis of activities protected by the First Amendment. Thus, the First Amendment rights of libraries and bookstores and their patrons are protected under these ordinances and cannot be abridged.

At this point I should like to pose a question to Mr. Duve, and that is: Am I correct in assuming that his repeated attention to this issue means that this kind of anti-terrorism and national security legislation is unique to the United States? I thank Mr. Duve in advance for taking the time to answer this question.

As to the statement by the Screen Actors' Guild, I would in passing note that according to the distinguished news agency Reuters, here I quote: "The SAG refuse to identify organizations or individuals who had made such a threat" but the news agency's report added, "pro-war groups such as Citizens Against Celebrity Pundits have generated boycott threats". CBS news in reporting on this described Citizens Against Celebrity Pundits as a website created by a North Carolina mom that has received 40,000 cyber signatures from people who want celebrities to shut up.

I would respectfully submit this innovative use of a new medium of technology by a private citizen to express her opinion. An opinion it seems shared by a not inconsiderable number of her fellow citizens on an issue of current concern in my country is exactly the kind of thing that Mr. Duve, who is well-known as a champion of the use of the internet to foster freedom of expression, would applaud.

Mr. Chairman, Mr. Duve's written statement also raises a number of issues regarding other participating States. We will address issues regarding freedom of the media in Uzbekistan at a later point today under current issues, and we also plan to address concerns raised by Mr. Duve during the discussion this afternoon on Turkmenistan. I will therefore limit my comments, at this point, to concerns my government has in Kazakhstan.

We were disappointed to learn that international observers were barred from attending the appeal hearing of Sergey Duvanov. The short substantive discussion, the limited review of the defense team's briefs, the swift decision, and the barring of international observers, offer little confidence that the appeal was conducted with any greater thoroughness, fairness or regard for the rule of law than the initial trial.

Thank you.